

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

-----  
MICHAEL C. MAYFIELD,

Plaintiff,

v.

R.N. HYDE,

Defendant.

-----

ORDER

08-cv-395-slc

On October 21, 2008, I granted plaintiff leave to proceed on his Eighth Amendment claim that defendant R.N. Hyde refused to provide him with his prescribed pain medications. Prior to filing an answer, defendant has moved for summary judgment on the ground that plaintiff failed to properly exhaust available administrative remedies.

Because a pretrial conference has not yet been held in this case, plaintiff has not been provided with a copy of this court's procedures for filing or opposing dispositive motions. For this reason, I will deny defendant's motion for summary judgment as premature. Defendant will be free to renew her motion in accordance with the schedule provided by the magistrate judge at the pretrial conference.

ORDER

IT IS ORDERED that defendant's motion for summary judgment is DENIED without prejudice to her refiling her motion in accordance with the schedule that will be set by the magistrate judge at the preliminary pretrial conference.

Entered this 26<sup>th</sup> day of November, 2008.

BY THE COURT:

/s/

---

BARBARA B. CRABB  
District Judge